



**CITY OF CHARLESTON
WEST VIRGINIA
COUNCIL MEMBER – 10TH WARD**



Keeley Steele
1600 Washington St. E
Charleston, WV 25311
Telephone: 304-250-9463
E-mail: keeleysteele@gmail.com

Public Safety Committee, Chair
Ordinance and Rules Committee

TO: Public Safety Committee
FROM: Keeley Steele, Chair
RE: Committee Meeting

There will be a Committee meeting of Public Safety on July 11, 2022 at 5:30 PM

THIS MEETING WILL BE HELD AND CAN BE VIEWED VIA ZOOM

***Join via internet:**

<https://us02web.zoom.us/j/82848499780?pwd=dEplaE9uUUdSMlcreXJaVDU3ZHNKdz09>

Passcode: 852107

***Join via Phone: 301-715-8592 or 312-626-6799**

Webinar ID: 828 4849 9780

The agenda will be as follows:

APPROVAL OF PREVIOUS MINUTES

1. 4-14-2022

BILLS

1. Bill No. 7956 Committee Substitute - A BILL to amend f the Municipal Code related to authorizing the use of motorized scooters.

Adjournment

KS/ns

MINUTES

PUBLIC SAFETY COMMITTEE MEETING

5:00 P. M., APRIL 14, 2022

Keeley Steele, Chairperson, called the meeting of the Charleston City Council Committee on Public Safety to order at 5:00 p.m., APRIL 14, 2022. THE MEETING WAS HELD OVER ZOOM AND WAS MADE AVAILABLE AS A LIVE STREAM TO THE PUBLIC VIA ZOOM PER THE AGENDA.

Committee Members Present: all over Zoom

Keeley Steele, Chair
Chuck Overstreet, Vice Chair
Ben Adams
Brady Campbell
Caitlin Cook
Joseph Jenkins

Committee Members Absent:

Larry Moore

Other Councilmembers Present:

1. Approval of Previous Minutes –
Councilmember Adams moved to approve the minutes of the previous meeting on 5-28-2021. Councilmember Overstreet seconded the motion. There was no objection, and the minutes were approved.

2. Resolution No. 660-22 – That City Council does hereby endorse the proposed special levy to be voted on May 10, 2022, and urges all eligible voters to vote for the levy to provide for the continued operation and expansion of the emergency ambulance system, the continued operation and improvement of the mass transportation system, and supplemental funding for public law enforcement and public fire protection agencies within Kanawha County.

City Manager, Jonathan Storage added that the resolution was requested by the KRT and Kanawha Emergency Ambulance Authority since both entities benefit from the levy. The levy has been in existence for a long time, known as the Public Safety Levy, which is administered by Kanawha County. The City does indirectly benefit from this levy. This levy will be on the May, Primary ballot to extend the levy through 2028. The levy is required for the continuity of emergency services funding. The levy would establish an Emergency Services fund to establish a public and fire protection agency to help with equipment purchases, etc, as well funding some EMS services. A substantial portion of KRT's budget relied on the levy.

Sean Hill, representing KRT, added that he appreciated Council's continued support of KRT and the levy.

Councilmember Cook asked how long the levy had been on the ballot. Storage replied that the levy has been on the levy and approved for about 50 years. He added that the proposed levy would not be increasing rates.

Councilmember Jenkins motioned to approve Resolution No. 660-22. Councilmember Cook seconded the motion. With the members present voting unanimously in the affirmative, the resolution was approved.

Councilmember Cook motioned to adjourn. Meeting adjourned.

Resolution No. 660-22 -

WHEREAS, an excess levy election has been set for Tuesday, May 10, 2022, to provide the voters of Kanawha County the opportunity to approve an excess tax levy for the years beginning July 1, 2024, 2025, 2026, 2027 and 2028, to support the operations of the Kanawha County Emergency Ambulance Authority (KCEEA), which has established and maintains an emergency ambulance system for Kanawha County; the Kanawha Valley Regional Transportation Authority (KVRTA), the owner and operator of the public bus transportation system serving Kanawha County and its citizens; and the establishment of an Emergency Services Fund, to assist and support public law enforcement and public fire protection agencies within Kanawha County; and

WHEREAS, the proposed excess levy is needed for the continued operation of the Ambulance and Transportation Authority, and to assist local police and fire departments to meet the public safety concerns of the citizens and will be used to provide funds for the acquisition of equipment, capital improvements and to cover in part current general maintenance and operational expenses as well as match funds from the government of the United States and others; and

WHEREAS, the proposed levy rate was not increased to ensure that the Kanawha County taxpayers would not face any increase in the taxes allocated for these services.

Be it Resolved by the Council of the City of Charleston, West Virginia:

That City Council does hereby endorse the proposed special levy to be voted on May 10, 2022, and urges all eligible voters to vote for the levy to provide for the continued operation and expansion of the emergency ambulance system, the continued operation and improvement of the mass transportation system, and supplemental funding for public law enforcement and public fire protection agencies within Kanawha County.

1 **Bill No. 7956 Committee Substitute**

2
3 **Introduced in Council:**

4
5 **April 18, 2022**

6
7 **Introduced by:**

8
9 **Emmett Pepper, Chad Robinson,**
10 **Bobby Reishman,**
11 **Caitlin Cook,**
12 **Bruce King, Brent Burton and**
13 **Joseph Jenkins**

Adopted by Council:

Referred to:

Planning, Streets, & Traffic
and Public Safety

14
15
16 **Bill No. 7956 Committee Substitute** - A BILL to amend and reenact Sections 114-915,
17 114-916, 114-917, 114-918, and 114-920 of the Municipal Code of the City of
18 Charleston, as amended, all relating to authorizing the use of motorized scooters;
19 updating definitions; requiring operators of motorized scooters to follow traffic laws;
20 setting certain additional requirements for operating a motorized scooter after sunset
21 and before sunrise; detailing additional prohibited acts; and creating criminal penalties
22 for violations.

23
24 **Now, therefore, be it ordained by the Council of the City of Charleston:**

25
26 That Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code
27 of the City of Charleston, as amended, are hereby amended and reenacted, all to read
28 as follows:

29
30 **CHAPTER 114. – TRAFFIC ORDINANCE.**
31 **ARTICLE XIV. – MOTORIZED SCOOTERS.**

32
33 **Sec. 114-915. Definitions.**

34
35 Except as otherwise provided in this chapter the following words and phrases
36 shall have the meanings set forth below:

37 "Minor" means any person under the age of 18.

38 "Motor vehicle" means every vehicle which is self-propelled and every vehicle
39 which is propelled by electric power obtained from overhead trolley wires, but not
40 operated upon rails.

41 "Motorized scooter" means any non-balancing, tandem two-wheeled device, or
42 ~~three or four wheeled~~, self balancing device, that ~~has handlebars~~, is designed to be
43 stood upon, or ridden by the operator, and is powered by a motor having a maximum
44 piston displacement of less than 50 cubic centimeters or an electric drive motor, that is
45 capable of a maximum speed of not more than 25 miles per hour on a flat surface.

46 "Motorized scooter" does not include a "motorcycle" as defined by W. Va. Code § 17C-

47 1-4, a “moped” as defined by W.Va. Code 17C-1-5a, a “motor-driven cycle” as defined
48 by W. Va. Code § 17C-1-5, a “class 3 electric bicycle” as defined by W. Va. Code §
49 17C-1-70, an “electric personal assistive mobility device” or “EPAMD” as defined by
50 W.Va. Code § 17C-1-66, or a wheelchair as defined ~~within~~ in this section.

51 “Mobility-impaired person” means a person who:

52 (1) Cannot walk two hundred feet without stopping to rest;

53 (2) Cannot walk without the use of or assistance from a brace, cane, crutch,
54 prosthetic device, wheelchair, other assistive device or another person;

55 (3) Is restricted by lung disease to such an extent that the person’s force
56 (respiratory) expiratory volume for one second, when measured by spirometry, is less
57 than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

58 (4) Uses portable oxygen;

59 (5) Has a cardiac condition to such an extent that the person’s functional
60 limitations are classified in severity as Class III or Class IV according to standards
61 established by the American Heart Association; or

62 (6) Is severely limited in his or her ability to walk because of an arthritic,
63 neurological or other orthopedic condition.

64 “Wheelchair” means a motorized or nonmotorized wheeled device, including a
65 motorized scooter that is having a seat or saddle, and designed for, and or used by, a
66 mobility-impaired person with disabilities.

67
68 **Sec. 114-916. Prohibition of operation and Authorizing the use of motorized**
69 **scooters.**

70
71 ~~The riding, operation, or other use of motorized~~ Motorized scooters may be
72 operated for transportation or recreational purposes within or upon the streets, ~~or~~ alleys,
73 ~~or sidewalks,~~ parking lots, and other realty owned, leased, or controlled property by
74 within the City of Charleston or any of its boards, authorities, or commissions, is unless
75 otherwise prohibited. The operator of any motorized scooter shall obey and be subject
76 to all traffic laws of the City of Charleston and the State of West Virginia, unless
77 otherwise stated in this Article.

78
79 **Sec. 114-917. Additional requirements for operation between sunset and**
80 **sunriseExceptions.**

81
82 Every motorized scooter operated after sunset and before sunrise shall be
83 equipped with the following:

84 (1) A lamp emitting a white light which, while the motorized scooter is in motion,
85 illuminates the roadway in front of the operator and is visible from a distance of 300 feet
86 in front and from the sides of the motorized scooter.

87 (2) A red reflector on the rear that is visible from a distance of 500 feet to the rear
88 when directly in front of lawful upper beams of headlamps on a motor vehicle.

89 (3) A white or yellow reflector on each side visible from the front and rear of the
90 motorized scooter from a distance of 200 feet.

91 (4) A lamp or lamp combination, emitting a white light, attached to the operator
92 and visible from a distance of 300 feet in front and from the sides of the motorized

scooter, may be used in lieu of the lamp required by subsection (1) hereof.

(5) A red reflector, or reflectorized material meeting the requirements of subsection (2) hereof attached to the operator and visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of the reflector required by subsection (2) hereof.

~~Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use a motorized scooter upon a designated parade route, when such person is a duly registered and recognized participant in any such permitted parade, provided that such Motorized Scooter riding or operation occurs in conjunction with said parade.~~

Sec. 114-918. Prohibited Acts. Exemptions.

~~The federal government, the State of West Virginia, and its political subdivisions are exempt from the prohibitions contained herein, when any such motorized scooter is used for government purposes.~~

Except as specifically authorized herein, no person shall:

(1) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(2) Operate a motorized scooter on a roadway with a speed limit in excess of 30 miles per hour.

(3) Operate a motorized scooter when the operator is under the age of 16 years of age.

(4) Operate a motorized scooter with any passengers in addition to the operator.

(5) Operate a motorized scooter carrying any package, bundle or article that prevents the operator from keeping at least one hand upon the handlebars.

(6) Operate a motorized scooter upon a sidewalk ~~or on any roadway that is closed to vehicular traffic, anytime other than circumstances when:~~

~~(A) The motorized scooter operator reasonably believes the road parallel to the sidewalk to be dangerous for a motorized scooter; and~~

~~(B) The motorized scooter is operated in a manner that is appropriate to the number of pedestrians nearby.~~

(7) Operate a motorized scooter with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(8) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

(9) Attach the motorized scooter or themselves, by any means, while on the roadway to any other vehicle on the roadway.

(10) Operate a motorized scooter while in an impaired state, as defined in W. Va. Code § 17C-5-2.

Sec. 114-920. Penalties.

139 (a) Any person who violates ~~section 114-916~~ sections 114-917, 114-918, or 114-
140 919 of this article shall constitute the commission of a misdemeanor criminal offense,
141 and any officer of the police department of the city or any other officer of any other
142 police agency exercising proper jurisdiction within the corporate limits of the city is
143 hereby authorized and empowered to issue a citation and to charge any such person
144 who commits a violation of ~~section 114-916~~ sections 114-917, 114-918, or 114-919. Any
145 person convicted of a first offense established hereunder shall be fined not less than
146 \$25.00 nor more than \$100.00. Any person convicted of a second or subsequent
147 offense established hereunder shall be fined not less than \$250.00, nor more than
148 \$500.00.

149 ~~(b) Any person who violates section 114-919 of this article shall constitute the~~
150 ~~commission of a misdemeanor criminal offense, and any officer of the police department~~
151 ~~of the city or any other officer of any other police agency exercising proper jurisdiction~~
152 ~~within the corporate limits of the city is hereby authorized and empowered to issue a~~
153 ~~citation and to charge any such person who commits a violation of section 114-919. Any~~
154 ~~person convicted of a first offense established hereunder shall be fined not less than~~
155 ~~\$25.00 nor more than \$100.00. Any person convicted of a second or subsequent~~
156 ~~offense established hereunder shall be fined not less than \$250.00.~~

157